



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Restivo, Sr., et. al.

Attorney Docket No.: C2DIV001.14

Serial No.: 10/785,023

Group Art Unit:

Filed: 2/25/2004

Examiner:

Title: Pipe Temperature Control Valve

PETITION TO ASSIGN FILING DATE

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231

Dear Sir:

In response to the "Notice of Incomplete Nonprovisional Application" of July 8, 2005, Applicant, through it's attorney, submits a petition fee, a declaration in support of the petition, and a copy of application as originally filed including itemized, date-stamped filing receipt showing deposit of 1 drawing sheet(s) in support of this petition to receive a filing date of 2/25/2004.

Applicant, through its attorney, received a "Notice of Incomplete Nonprovisional Application" stating that a filing date has not been accorded to the application for failure to deposit drawings in the application. Applicant's application papers as filed did include 1 drawing sheet(s). (Declaration ¶2) These drawings were filed with the application on 2/25/2004 (Declaration ¶1) As evidence of this drawing deposit, Applicant submits a complete copy of the application as filed, including 1 drawing sheet(s), and a PTO-date-stamped filing receipt itemizing 8 drawing sheets. (Declaration, Exhibit A). The drawings were referred to in the post card, the transmittals, and described in the specification at pages 4-5.

Applicant submits that this evidence is sufficient to show that as of the filing date, Applicant submitted drawings sufficient for "the understanding of the subject matter sought to be patented." Applicant therefore submits that the application is entitled to a filing date. Applicant respectfully requests that the Patent Office a) accept this copy of the application as filed as a complete copy of the papers filed at the time of filing; b) withdraw the "Notice of Incomplete Nonprovisional Application"; and c) accord the above-identified application papers a filing date of 2/25/2004

Further, Applicant requests that a refund of the petition fee be granted to Applicant for the \$400 petition fee paid along with this request. Authorization is granted to charge any additional or deficient fees in support of this petition or to credit any overpayment or refund to Deposit Account 50-0562.

Additionally, the signature of Angelo S. Restivo, Sr. has been provided on a supplemental oath or declaration.

Respectfully Submitted,

September 8, 2005

A handwritten signature in black ink, appearing to be 'R. Blackmon', written over a horizontal line.

Robert N. Blackmon
Registered Patent Attorney

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